

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 8 May 2025

DOCKET NUMBER: AR20240008726

APPLICANT REQUESTS: an Exception to Policy (ETP) permitting retroactive enrollment into the Blended Retirement System (BRS).

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 4187 (Personnel Action), 17 July 2024 – reflective of the applicant's commander's recommendation for approval of her submitted request for an ETP permitting retroactive enrollment in the BRS:
 - previously enlisted in the Army National Guard (ARNG) and attending nursing school during the BRS enrollment period
 - not directed to make an election to opt-into the BRS during drill weekends
 - currently contributing to the Thrift Savings Plan (TSP) on her own
 - not currently enrolled in the Legacy or BRS; Leave and Earnings Statement (LES) reflects "CHOICE"
 - 25 March 2018 – Pay Entry Basic Date
- Memorandum – Subject: Assumption of Command – reflective of colonel N_F_ assuming the duties as the Acting Commander for Womack Army Medical Center from 15-19 July 2024
- Memorandum – Subject: Financial Counseling on the BRS vs. the Legacy Retirement Plan – reflective of documentary evidence of the applicant receiving counseling (virtually) on the Army retirement system on 15 February 2024; she requested to opt-into the BRS
- Certificate – reflective of the applicant's completion of the BRS Opt-In course on 2 January 2024
- LES, 31 January 2024 – reflective of the applicant's pay and entitlements received for the month of January 2024; Retirement Plan indicates "CHOICE" with a \$191.31 monthly TSP contribution
- Soldier Talent Profile – reflective of the applicant's pertinent personnel data; the applicant has a 25 March 2018 Basic Active Service Date (BASD)

FACTS:

1. The applicant states in part:

- previously enlisted in the ARNG and attending nursing school during the BRS enrollment period
- not notified of the need to elect enrollment (opt-in) during drill weekends or annual training
- believes that she is not enrolled in either the Legacy or the BRS due to her LES reflecting "CHOICE"
- currently contributing to the TSP in her own

2. A review of the applicant's service record reflects the following:

- On 22 November 2017 – the applicant enlisted in the ARNG
- On 21 December 2022 – appointed a Reserve commission and subsequently assessed into the Regular Army (Orders Number 4707689)

3. On 16 April 2025, the Department of the Army, Office of the Deputy Chief of Staff G-1, Program Analyst, Compensation and Entitlements Division provided an advisory opinion noting that they were unable to opine on the applicant's request since she had not exhausted all efforts for enrollment in accordance with All Army Activity (ALARACT) Message Number 067/2020 (Extension to Implementation Guidance for ETP to Retroactively Enroll Certain Soldiers in the BRS and Hardship Extension of Enrollment Period), 31 July 2020.

4. On 19 April 2025, the applicant was provided with a copy of the advisory opinion and afforded 15 days to provide comments. The applicant has not responded.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition, and available military records, the Board found the applicant should be granted an ETP for enrollment in BRS.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined that the evidence presented was sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by showing the applicant submitted a timely submission for BRS enrollment, it was received and processed by the appropriate agency in a timely manner.

X //SIGNED//

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. ALARACT Message Number 067/2020 (Extension to Implementation Guidance for ETP to Retroactively Enroll Certain Soldiers in the BRS and Hardship Extension of Enrollment Period) provides that Army Personnel Offices, when necessary will direct Soldiers to the appropriate personnel office to complete a DA Form 1506 (Statement of Service – For Computation of Length of Service for Pay Purposes) to capture and document their correct pay dates to ensure placement in the correct retirement system. Soldiers desiring an ETP to opt-in to the BRS per the Calendar Year 2018 guidance will:

- seek counseling regarding their options to either enroll in the BRS or remain in the Legacy Retirement System
- complete the mandatory BRS Opt-In training
- monitor the Defense Finance Accounting Services (DFAS) website to ensure access to the BRS Opt-In link during the allowable 90-day window; Soldiers who were notified of their eligibility from BRS and did not have access to the BRS link must send an email to the Office of the Deputy Chief of Staff, G-1 Special Pay notifying them of the discrepancy
- these extensions do not create the authority to enroll a Soldier who had the opportunity to elect to enroll in the BRS during CY18, but chose not to do so, nor does it allow for retroactive TSP contributions
- eligible Soldiers must submit a DA Form 4187 (Personnel Action) with supporting documentation through their chain of command to the approval authority (O-6 or higher) citing the reason for the exception to policy, date initially entered service, pay entry basic date, the date counselled regarding the retirement plans
- upon approval DFAS will provide the Soldier with access to the Opt-in link; Soldier acknowledges the irrevocability of the BRS decision and Opts-In to the BRS via MyPay
- Soldier establishes a TSP account; LES will reflect "BLENDED" Retirement Plan

2. Public Law 114-92, Section 631 (Modernized Retirement System for Members of The Uniformed Services) provides that (a) Regular Service in the case of a member who first becomes a member of the uniformed services on or after 1 January 2018, or a member who makes the election. (B) Election to Participate in Modernized Retirement System, a member of a uniformed service serving on 31 December 2017, who has served in the uniformed services for fewer than 12-years as of 31 December 2017, may elect, in exchange for the reduced multipliers for purposes of calculating the retired pay of the member, to receive Thrift Savings Plan contributions.

a. Election Period - a member of a uniformed service may make the election authorized only during the period that begins on 1 January 2018 and ends on 31 December 2018.

b. Hardship Extension - the Secretary concerned may extend the election period for a member who experiences a hardship as determined by the Secretary concerned.

3. Deputy Secretary of Defense Memorandum, Implementation of the Blended Retirement System, dated 27 January 2017, provides that the Blended Retirement System (BRS) was to go into effect 1 January 2018. BRS offers service members portable government retirement savings, provides the Department of Defense (DoD) greater force management flexibility and is a key step in modernizing DoD's ability to recruit, retain and maintain the talent required for military readiness, while reducing the direct cost to the American taxpayer.

a. Eligibility: Service members who enter the military on or after 1 January 2018, will automatically be enrolled in BRS. Service members who enter service on or before 31 December 2017, are grandfathered into the legacy high-3 retirement system. However, service members in the active component as of 31 December 2017, who have served fewer than 12 years, or service members in the Reserve component who have accrued less than 4,320 retirement points as of 31 December 2017 and are in a paid status, will have the option of electing BRS or to remain in the legacy retirement system.

b. Those currently serving members who were eligible to opt into BRS would have an entire year to make their opt-in decision. The opt-in or election period for BRS began 1 January 2018 and concluded on 31 December 2018. The decision to opt-in is irrevocable.

4. Uniformed Services Blended Retirement System provides that DIEMS is the Date of Initial Entry into Military Service while PEBD is the Pay Entry Base Date. DIEMS marks the day a member first enters military service by signing a contract or agreement to serve, even if on that day he or she is in an inactive status such as in the Delayed Entry Program (DEP), or as a student in one of the Service Academies or ROTC. PEBD is the day a member first begins earning Basic Pay or Inactive Duty Pay (drill pay). For many Service members, these days are essentially the same, while for many other Soldiers DIEMS is earlier than PEBD. Determining whether a member is grandfathered under legacy High-3 or automatically enrolled in BRS is based on DIEMS. If DIEMS is on or before 31 December 2017, he or she is grandfathered. If DIEMS is on or after 1 January 2018, he or she is automatically enrolled in BRS. Of those who are grandfathered, determining eligibility to opt into BRS is based on PEBD (as is eligibility for Continuation Pay). Fewer than 12 years of service since PEBD makes an otherwise grandfathered Active Component member eligible to opt into BRS.

//NOTHING FOLLOWS//